

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-13223

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT February 5, 2007 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 04-20320-CR-CMA

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEPHANIE SMITH,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(February 5, 2007)

Before BLACK, BARKETT and KRAVITCH, Circuit Judges.

PER CURIAM:

Stephanie Smith appeals her convictions for conspiracy to commit health care fraud, in violation of 18 U.S.C. § 371; three counts of receiving health care kickbacks, in violation of 42 U.S.C. § 1320(b)(1)(A)-(B); conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h); and money laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i). She asserts the district court abused its discretion by admitting into evidence tax forms Smith completed and attached to a mortgage application after the health care fraud conspiracy had ended. Smith also challenges one of the district court's jury instructions.

We review a district court's evidentiary rulings for abuse of discretion. *United States v. Ndiaye*, 434 F.3d 1270, 1280 (11th Cir. 2006). We review a challenge to a jury instruction *de novo*. *Id.*

After hearing oral argument in this case and reviewing the record on appeal, we have determined the district court did not abuse its discretion by admitting the tax forms and did not err in instructing the jury. Accordingly, we affirm.

AFFIRMED.